

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

THOMSON REUTERS ENTERPRISE	)	
CENTRE GMBH and WEST PUBLISHING	)	
CORPORATION,	)	
	)	
	)	
Plaintiffs and	)	C.A. No. 20-613 (SB)
Counterdefendants,	)	
	)	REDACTED - PUBLIC VERSION
v.	)	Original filing date: October 1, 2024
	)	Redacted filing date: October 8, 2024
ROSS INTELLIGENCE INC.,	)	
	)	
Defendant and	)	
Counterclaimant.	)	

**DECLARATION OF MIRANDA D. MEANS IN SUPPORT OF PLAINTIFFS’  
RENEWED MOTIONS FOR SUMMARY JUDGMENT**

I, Miranda D. Means, Esq., declare as follows:

1. I am an attorney at the law firm of Kirkland & Ellis LLP, counsel of record for Plaintiffs and Counterdefendants Thomson Reuters Enterprise Centre GmbH (“Thomson Reuters”) and West Publishing Corporation (“West”) (collectively, “Plaintiffs”). I am admitted and in good standing to practice law in the states of Massachusetts and New York, and I am admitted *pro hac vice* to practice in this District for the above-captioned case. I submit this declaration in support of Plaintiffs’ Renewed Motions for Summary Judgment on Copyright Infringement, and Fair Use. The statements set forth in this declaration are based on my personal knowledge and my review of the contemporaneous documents referenced and attached hereto.
2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts from the deposition of Khalid Al-Kofahi, taken April 8, 2022.

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the deposition of Andrew Arruda, taken March 30, 2022.

4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from the deposition of L. Karl Branting, Ph. D., taken October 19, 2022.

5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the deposition of Christopher Cahn, taken May 12, 2022.

6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the deposition of Alan Cox, taken November 2, 2022.

7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the deposition of Tariq Hafeez, taken May 26, 2022.

8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from the deposition of Richard A. Leiter, taken October 24, 2022.

9. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts from the deposition of Erik Lindberg, taken March 22, 2022.

10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from the deposition of James Malackowski, taken November 4, 2022.

11. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from the deposition of Andrew Martens, taken March 25, 2022.

12. Attached hereto as **Exhibit 11** is a true and correct copy of excerpts from the deposition of Isabelle Moulinier, taken July 1, 2022.

13. Attached hereto as **Exhibit 12** is a true and correct copy of excerpts from the deposition of Laurie Oliver, taken March 30, 2022.

14. Attached hereto as **Exhibit 13** is a true and correct copy of excerpts from the deposition of Jimoh Ovbiagele, taken April 12, 2022.

15. Attached hereto as **Exhibit 14** is a true and correct copy of excerpts from the deposition of Jimoh Ovbiagele, taken May 2, 2023.

16. Attached hereto as **Exhibit 15** is a true and correct copy of excerpts from the deposition of Sean O. Shafik, taken April 22, 2022.

17. Attached hereto as **Exhibit 16** is a true and correct copy of excerpts from the deposition of Tomas van der Heijden, taken March 17, 2022.

18. Attached hereto as **Exhibit 17** is a true and correct copy of excerpts from the deposition of Charles von Simson, taken April 19, 2022.

19. Attached hereto as **Exhibit 18** is a true and correct copy of excerpts from the deposition of Teri Whitehead, taken April 18, 2022.

20. Attached hereto as **Exhibit 19** is a true and correct copy of Exhibit 1 from the deposition of Alan Cox, taken November 2, 2022. A screenshot of this exhibit is shown below.

The screenshot shows a Westlaw search results page. On the left is a sidebar with 'Content types' and 'Filters'. The 'Cases' category is selected, showing 76 results. Below this is a list of content types with their respective counts: Trial Court Orders (15), Statutes & Court Rules (38), Secondary Sources (96), Practical Law (896), Regulations (38), Public Records, Administrative Decisions & Guidance (10,000), Arbitration Materials (9,812), Briefs (86), Expert Materials (3,076), Forms (0), Jury Verdicts & Settlements (1,346), Key Numbers (10), Proposed & Adopted Regulations (1,148), Proposed & Enacted Legislation (672), Trial Court Documents (95), and All results (27,399).

The main content area is titled 'Cases (76)'. It includes a summary: 'WestSearch includes documents with concepts related to your terms for more thorough research. To modify these results to just documents that include your precise terms, click here.' Below this is a search bar with '1 - 20' and 'Relevance' sorting options. A list of results is shown, with the first result selected: 'Arista Records LLC v. Lime Group LLC'. The snippet for this case reads: 'E-COMMERCE - Intellectual Property. Business distributing file-sharing software induced copyright infringement of sound recordings. Show synopsis'. Below the snippet is a section titled '1 - 3 of 390 snippets' containing three paragraphs of text from the case, discussing holdings, plaintiffs' claims, and general principles of liability for copyright infringement.

21. Attached hereto as **Exhibit 20** is a true and correct copy of Exhibit 2 from the deposition of Alan Cox, taken November 2, 2022. A screenshot of this exhibit is shown below.

The screenshot shows the ROSS legal research platform. At the top, there is a navigation bar with 'ROSS' and 'Request Memo'. Below this is a section titled 'Ask your Legal Research Question'. A question is entered: 'In New York, what is secondary liability with respect to copyright infringement and how is it established?'. Below the question is a button labeled 'Ask'. The results are displayed under the heading 'Answers'. The first answer is titled 'Arista Records LLC v. Usernet.com, Inc.' and includes a citation: 'Dist. Ct. S.D. N.Y. / June 29, 2009 / 633 F.Supp.2d 194'. The text of the answer discusses 'Contributory copyright infringement' and 'secondary liability', citing 'Perfect 10, Inc. v. Visa Int'l Serv. Ass'n, 494 F.3d 788, 794-95 (9th Cir.2007), cert. denied, \_\_\_ U.S. \_\_\_, 128 S.Ct. 2671, 171 L.Ed.2d 811 (2008)'. The answer concludes with a quote: 'A party is liable for contributory infringement if, "with knowledge of the infringing activity," it "induces, causes, or materially contributes to the infringing conduct of another." Gershwin Publ'g ... read more --'. At the bottom of the answer, there are buttons for 'Save', 'Copy Citation', 'Helpful', and 'Not helpful'.

22. Attached hereto as **Exhibit 21** is a true and correct copy of Exhibit 21 from the deposition of Barbara Frederiksen-Cross, taken November 11, 2022.

23. Attached hereto as **Exhibit 22** is a true and correct copy of the Opening Expert Report of L. Karl Branting, Ph. D., dated July 28, 2022.

24. Attached hereto as **Exhibit 23** is a true and correct copy of the Rebuttal Expert Report of L. Karl Branting, Ph.D., dated September 1, 2022.

25. Attached hereto as **Exhibit 24** is a true and correct copy of the Opening Expert Report of Barbara Frederiksen-Cross, dated August 1, 2022.

26. Attached hereto as **Exhibit 25** is a true and correct copy of the Opening Expert Report of Jonathan L. Krein, dated August 1, 2022.

27. Attached hereto as **Exhibit 26** is a true and correct copy of the Reply Expert Report of Jonathan L. Krein, dated October 10, 2022.

28. Attached hereto as **Exhibit 27** is a true and correct copy of Appendix D from the Reply Expert Report of Jonathan L. Krein, dated October 10, 2022.

29. Attached hereto as **Exhibit 28** is a true and correct copy of the Opening Expert Report of James E. Malackowski, dated August 1, 2022.

30. Attached hereto as **Exhibit 29** is a true and correct copy of the Rebuttal Expert Report of James E. Malackowski, dated September 6, 2022.

31. Attached hereto as **Exhibit 30** is a true and correct copy of Defendant and Counterclaimant ROSS Intelligence, Inc.'s Responses and Objections to Plaintiffs' Fourth Set of Interrogatories, dated April 21, 2022.

32. Attached hereto as **Exhibit 31** is a true and correct copy of Defendant and Counterclaimant ROSS Intelligence, Inc.'s Supplemental Responses and Objections to Plaintiffs' Set of Interrogatories, dated September 14, 2022.

33. Attached hereto as **Exhibit 32** is a true and correct copy of the excerpts of the transcript of the Pretrial Conference, held August 6, 2024.

34. Attached hereto as **Exhibit 33** is a true and correct copy of video of the Teleconference, held August 22, 2024. This video will be lodged with the Court.

35. Attached hereto as **Exhibit 34** is a true and correct copy of the document produced in this litigation with the beginning Bates TR-0076478. This document was produced natively as an Excel file and will be lodged with the Court.

36. Attached hereto as **Exhibit 35** is a true and correct copy of the document produced in this litigation with the beginning Bates TR-0836004. This document was produced natively as an Excel file and will be lodged with the Court.

37. Attached hereto as **Exhibit 36** is a true and correct copy of the document produced in this litigation with the beginning Bates LEGALEASE-00078065.

38. Attached hereto as **Exhibit 37** is a true and correct copy of the document produced in this litigation with the beginning Bates LEGALEASE-00093066.

39. Attached hereto as **Exhibit 38** is a true and correct copy of the document produced in this litigation with the beginning Bates LEGALEASE-00171828.

40. Attached hereto as **Exhibit 39** is a true and correct copy of the document produced in this litigation with the beginning Bates R-LEGALEASE-00189134.

41. Attached hereto as **Exhibit 40** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-000175054.

42. Attached hereto as **Exhibit 41** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-000176438.

43. Attached hereto as **Exhibit 42** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-000177723.

44. Attached hereto as **Exhibit 43** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-000179468.

45. Attached hereto as **Exhibit 44** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-000304769.

46. Attached hereto as **Exhibit 45** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-000304771.

47. Attached hereto as **Exhibit 46** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-003227570.

48. Attached hereto as **Exhibit 47** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-003382388.

49. Attached hereto as **Exhibit 48** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-003389728.

50. Attached hereto as **Exhibit 49** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-003389932.

51. Attached hereto as **Exhibit 50** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-003390233.

52. Attached hereto as **Exhibit 51** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-003390563.

53. Attached hereto as **Exhibit 52** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-003390772.

54. Attached hereto as **Exhibit 53** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-003390773.

55. Attached hereto as **Exhibit 54** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-003390881.

56. Attached hereto as **Exhibit 55** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-003391075.

57. Attached hereto as **Exhibit 56** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-003391076.

58. Attached hereto as **Exhibit 57** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-003395895.

59. Attached hereto as **Exhibit 58** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-003419784.

60. Attached hereto as **Exhibit 59** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-003428727.

61. Attached hereto as **Exhibit 60** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-003487472.

62. Attached hereto as **Exhibit 61** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-003610162.

63. Attached hereto as **Exhibit 62** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-003658597.



64. Attached hereto as **Exhibit 63** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-003695819.

65. Attached hereto as **Exhibit 64** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-009501052.

66. Attached hereto as **Exhibit 65** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-009714799.

67. Attached hereto as **Exhibit 66** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-009714800.

68. Attached hereto as **Exhibit 67** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-009727514.

69. Attached hereto as **Exhibit 68** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-009727515.

70. Attached hereto as **Exhibit 69** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-009770437.

71. Attached hereto as **Exhibit 70** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-010099622.

72. Attached hereto as **Exhibit 71** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-010164290.

73. Attached hereto as **Exhibit 72** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-010164415.

74. Attached hereto as **Exhibit 73** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-010271831.

75. Attached hereto as **Exhibit 74** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-010373855.

76. Attached hereto as **Exhibit 75** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-023018710.

77. Attached hereto as **Exhibit 76** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-023032254.

78. Attached hereto as **Exhibit 77** is a true and correct copy of the document produced in this litigation with the beginning Bates TR-0000587.

79. Attached hereto as **Exhibit 78** is a true and correct copy of the document produced in this litigation with the beginning Bates TR-0001119. A screenshot of this exhibit is shown below.



80. Attached hereto as **Exhibit 79** is a true and correct copy of the document produced in this litigation with the beginning Bates TR-0002864.

81. Attached hereto as **Exhibit 80** is a true and correct copy of the document produced in this litigation with the beginning Bates TR-0003138.

82. Attached hereto as **Exhibit 81** is a true and correct copy of the document produced in this litigation with the beginning Bates TR-0033982.

83. Attached hereto as **Exhibit 82** is a true and correct copy of the document produced in this litigation with the beginning Bates TR-0034557.

84. Attached hereto as **Exhibit 83** is a true and correct copy of the document produced in this litigation with the beginning Bates TR-0039808.

85. Attached hereto as **Exhibit 84** is a true and correct copy of the document produced in this litigation with the beginning Bates TR-0048632.

86. Attached hereto as **Exhibit 85** is a true and correct copy of the document produced in this litigation with the beginning Bates TR-0055362.

87. Attached hereto as **Exhibit 86** is a true and correct copy of the document produced in this litigation with the beginning Bates TR-0073545.

88. Attached hereto as **Exhibit 87** is a true and correct copy of the document produced in this litigation with the beginning Bates TR-0178588.

89. Attached hereto as **Exhibit 88** is a true and correct copy of the document produced in this litigation with the beginning Bates TR-0179847.

90. Attached hereto as **Exhibit 89** is a true and correct copy of the document produced in this litigation with the beginning Bates TR-0359959.

91. Attached hereto as **Exhibit 90** is a true and correct copy of the document produced in this litigation with the beginning Bates TR-0521595.

92. Attached hereto as **Exhibit 91** is a true and correct copy of the document produced in this litigation with the beginning Bates TR-0532236.

93. Attached hereto as **Exhibit 92** is a true and correct copy of the document produced in this litigation with the beginning Bates TR-0884952.

94. Attached hereto as **Exhibit 93** is a true and correct copy of the document produced in this litigation with the beginning Bates TR-0908413.

95. Attached hereto as **Exhibit 94** is a true and correct copy of a webpage titled “How is Natural Language Search Changing The Face of Legal Research?” publicly available at <https://blog.rossintelligence.com/post/how-natural-language-search-changing-face-of-legal-research>, accessed September 26, 2024.

96. Attached hereto as **Exhibit 95** is a true and correct copy of *Seymour v. Richardson*, 194 Va. 709 (1953).

97. Attached hereto as **Exhibit 96** is a true and correct copy of a webpage titled “Editorial Enhancements,” publicly available at <https://legal.thomsonreuters.com/en/products/westlaw/editorial-enhancements>, accessed September 23, 2024.

98. Attached hereto as **Exhibit 97** is a true and correct copy of a webpage titled “Thomson Reuters Westlaw | Headnotes,” publicly available at <https://www.youtube.com/watch?v=NiOXTn4iDT4>, accessed September 24, 2024.

99. Attached hereto as **Exhibit 98** is a true and correct copy of a webpage titled “Thomson Reuters Westlaw | Key Number System,” publicly available at <https://www.youtube.com/watch?v=Cpz4toSrg7k>, accessed September 25, 2024.

100. Attached hereto as **Exhibit 99** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-010244921.

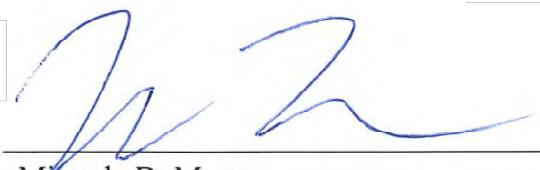
101. Attached hereto as **Exhibit 100** is a true and correct copy of the document produced in this litigation with the beginning Bates ROSS-003390772.

102. Attached hereto as **Exhibit 101** is a true and correct copy of the publication Peter A. Hook & Kurt R. Mattson, *Surprising Differences: An Empirical Analysis of LexisNexis and West Headnotes in the Written Opinions of the 2009 Supreme Court Term*, 109 LAW LIBR. J. 557, 560 (2017).

103. Attached hereto as **Exhibit 102** is a true and correct copy of a webpage titled “141E Education,” available at [https://www.westlaw.com/Browse/Home/WestKeyNumberSystem?guid=1a43ebaf03a03b6d9b4950d1f5f15704b&transitionType=Default&contextData=\(sc.Default\)&VR=3.0&RS=cblt1.0](https://www.westlaw.com/Browse/Home/WestKeyNumberSystem?guid=1a43ebaf03a03b6d9b4950d1f5f15704b&transitionType=Default&contextData=(sc.Default)&VR=3.0&RS=cblt1.0), accessed September 30, 2024.

104. Attached hereto as **Exhibit 103** is a true and correct copy of the Supplemental Expert Report of Jonathan L. Krein, dated August 11, 2024.

I declare under penalty of perjury that the foregoing is true and correct. Executed on this 1st day of October, 2024.

  
\_\_\_\_\_  
Miranda D. Means

**CERTIFICATE OF SERVICE**

I hereby certify that on October 1, 2024, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on October 1, 2024, upon the following in the manner indicated:

David E. Moore, Esquire  
Bindu Palapura, Esquire  
Andrew L. Brown, Esquire  
POTTER ANDERSON & CORROON LLP  
Hercules Plaza, 6th Floor  
1313 North Market Street  
Wilmington, DE 19801  
*Attorneys for Defendant and Counterclaimant*

*VIA ELECTRONIC MAIL*

Mark A. Klapow, Esquire  
Lisa Kimmel, Esquire  
Crinesha B. Berry, Esquire  
Matthew J. McBurney, Esquire  
Keith J. Harrison, Esquire  
CROWELL & MORING LLP  
1001 Pennsylvania Avenue NW  
Washington, DC 20004  
*Attorneys for Defendant and Counterclaimant*

*VIA ELECTRONIC MAIL*

Jacob Canter, Esquire  
Warrington Parker, Esquire  
Anna Z. Saber, Esquire  
Beatrice B. Nguyen, Esquire  
CROWELL & MORING LLP  
3 Embarcadero Center, 26th Floor  
San Francisco, CA 94111  
*Attorneys for Defendant and Counterclaimant*

*VIA ELECTRONIC MAIL*

Emily T. Kuwahara, Esquire  
Jordan Ludwig, Esquire  
CROWELL & MORING LLP  
515 South Flower Street, 41st Floor  
Los Angeles, CA 90071  
*Attorneys for Defendant and Counterclaimant*

*VIA ELECTRONIC MAIL*

Ryan Henry Seewald, Esquire  
CROWELL & MORING LLP  
1601 Wewatta Street, Suite 815  
Denver, CO 80202  
*Attorneys for Defendant and Counterclaimant*

*VIA ELECTRONIC MAIL*

*/s/ Michael J. Flynn*

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Michael J. Flynn (#5333)